

# Senate File 61 - Introduced

SENATE FILE \_\_\_\_\_  
BY DANIELSON

(COMPANION TO LSB 1635HH  
BY HUNTER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning the statewide fire and police retirement system  
2 by establishing a presumption that cancer is work-related for  
3 purposes of disability and death benefits for fire fighters  
4 and by increasing the contribution rate for fire fighters.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1635SS 83  
7 ec/sc/14

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1 1 Section 1. Section 411.6, subsection 5, paragraph c, Code  
1 2 2009, is amended to read as follows:  
1 3 c. Disease under this section shall mean heart disease or  
1 4 any disease of the lungs or respiratory tract and shall be  
1 5 presumed to have been contracted while on active duty as a  
1 6 result of strain or the inhalation of noxious fumes, poison or  
1 7 gases. For a member who is a fire fighter, disease under this  
1 8 section shall also mean cancer which shall also be presumed to  
1 9 have been contracted while on active duty. However, if a  
1 10 person's membership in the system first commenced on or after  
1 11 July 1, 1992, and the heart disease, ~~or~~ disease of the lungs  
1 12 or respiratory tract, ~~or cancer~~ would not exist, but for a  
1 13 medical condition that was known to exist on the date that  
1 14 membership commenced, the presumption established in this  
1 15 paragraph shall not apply.  
1 16 Sec. 2. Section 411.6, subsection 9, paragraph a, Code  
1 17 2009, is amended to read as follows:  
1 18 a. If, upon the receipt of evidence and proof from the  
1 19 chief of the police or fire department that the death of a  
1 20 member in service was the natural and proximate result of an  
1 21 injury or disease incurred in or aggravated by the actual  
1 22 performance of duty at some definite time and place, or while  
1 23 acting pursuant to order, outside of the city by which the  
1 24 member is regularly employed, the system decides that death  
1 25 was so caused in the performance of duty, there shall be paid,  
1 26 in lieu of the ordinary death benefit provided in subsection  
1 27 8, an accidental death benefit as set forth in this  
1 28 subsection. Disease under this subsection shall mean heart  
1 29 disease or any disease of the lungs or respiratory tract and  
1 30 shall be presumed to have been contracted while on active duty  
1 31 as a result of strain or the inhalation of noxious fumes,  
1 32 poison, or gases. For a member who is a fire fighter, disease  
1 33 under this subsection shall also mean cancer which shall also  
1 34 be presumed to have been contracted while on active duty.  
1 35 Sec. 3. Section 411.8, subsection 1, paragraph f,  
2 1 subparagraph (8), Code 2009, is amended to read as follows:  
2 2 (8) Beginning July 1, 1996, and each fiscal year  
2 3 thereafter, an amount equal to the member's contribution rate  
2 4 times each member's compensation shall be paid to the fund  
2 5 from the earnable compensation of the member. For the  
2 6 purposes of this subparagraph, the member's contribution rate  
2 7 shall be nine and thirty-five hundredths percent or, beginning  
2 8 July 1, 2009, if the member is a fire fighter, nine and  
2 9 four-tenths percent. However, the system shall increase the  
2 10 member's contribution rate as necessary to cover any increase  
2 11 in cost to the system resulting from statutory changes which  
2 12 are enacted by any session of the general assembly meeting  
2 13 after January 1, 1991, if the increase cannot be absorbed

2 14 within the contribution rates otherwise established pursuant  
2 15 to this paragraph, but subject to a maximum employee  
2 16 contribution rate of eleven and three-tenths percent or,  
2 17 beginning July 1, 2009, if the member is a fire fighter,  
2 18 eleven and thirty-five hundredths percent. The contribution  
2 19 rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant  
2 20 to this chapter and chapter 97A shall be the only member  
2 21 contribution rate increases for these systems resulting from  
2 22 the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and  
2 23 shall apply only to the fiscal periods specified in 1994 Iowa  
2 24 Acts, ch. 1183. After the employee contribution reaches  
2 25 eleven and three-tenths percent or eleven and thirty-five  
2 26 hundredths percent, as applicable, sixty percent of the  
2 27 additional cost of such statutory changes shall be paid by  
2 28 employers under paragraph "c" and forty percent of the  
2 29 additional cost shall be paid by employees under this  
2 30 paragraph.

2 31 EXPLANATION

2 32 This bill provides that cancer contracted by fire fighter  
2 33 members of the statewide fire and police retirement system is  
2 34 presumed to be a disease contracted while on active duty due  
2 35 to the job for purposes of establishing a disability pension  
3 1 or providing a death benefit. The bill also provides that the  
3 2 presumption will not apply to fire fighter members who joined  
3 3 the retirement system after July 1, 1992, in which the cancer  
3 4 would not have existed but for a medical condition that was  
3 5 known on the date the member joined.

3 6 The bill also increases the minimum contribution rate for  
3 7 fire fighter members of the pension system from 9.35 percent  
3 8 to 9.4 percent.

3 9 The bill may include a state mandate as defined in Code  
3 10 section 25B.3. The state mandate funding requirement in Code  
3 11 section 25B.2, however, does not apply to public employee  
3 12 retirement systems.

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